

Application No. 10/603,574  
Paper Dated: July 21, 2006  
In Reply to USPTO Correspondence of April 26, 2006  
Attorney Docket No. 964-030780

**AMENDMENTS TO THE DRAWINGS**

Applicant includes herewith a copy of Fig. 2 showing a proposed drawing correction in red ink. Approval of the proposed drawing correction is respectfully requested.

Attachment: Replacement Sheet  
Annotated Sheet Showing Changes

### **REMARKS**

This Amendment submits a proposed drawing correction to Fig. 2; amends the specification; cancels claims 2, 10, and 17; and amends claims 1, 6-8, and 11-14 in accordance with the original disclosure. Support for the claim amendments is found, for example, in paragraph 0026 of the specification. Claims 1, 3-9, 11-16, and 18 remain in this application.

#### **In the Drawings**

The drawings were objected to for not showing the roller(s) of claims 6 and 7. As set forth above, Applicant encloses herewith a copy of Fig. 2 showing a proposed drawing correction in red ink to add the roller R as described in the specification. Support for this amendment is found, for example, in paragraph 0026. Approval of the proposed drawing correction to Fig. 2 is respectfully requested.

#### **In the Specification**

The specification was objected to for incorporation by reference of a foreign application in paragraph 0014. As set forth above, Applicant has deleted this incorporation by reference. Reconsideration of the objection to the specification is respectfully requested.

#### **Rejections Under 35 U.S.C. § 112, first paragraph**

Claims 2 and 10 were rejected for non-enablement. While Applicant disagrees with this rejection, Applicant has canceled claims 2 and 10 in order to advance the prosecution of this case.

#### **Rejections Under 35 U.S.C. § 112, second paragraph**

Claims 1-18 stand rejected for indefiniteness for the reasons set forth in paragraph 6 of the Office Action. Applicant has amended the claims to address the Examiner's indefiniteness rejections. However, with respect to claims 8 and 9, Applicant respectfully disagrees that these claims are indefinite. As shown in Figs. 2 and 3 and described in the specification at paragraph 0027, the driver's seat and the floor plate are believed adjustable relative to the intermediate frame. That is, both can be adjusted or moved with respect to the intermediate frame. Therefore, claims 8 and 9 are not believed to be indefinite.

Rejections Under 35 U.S.C. § 102(b)

Claims 1, 3-5, 11, 12, 16, and 18 stand rejected for anticipation by WO 91/04221 (WO '221). Claims 1, 2, 8, and 17 stand rejected for anticipation by British reference GB 1 440 686 (GB '686). In view of the above amendments and the following remarks, reconsideration of these rejections is respectfully requested.

Claim 1, as amended, is directed to an industrial truck comprising a vehicle frame and a driver's station. The driver's station comprises at least one floor plate and at least one driver's seat. An intermediate frame is located at the driver's station. The floor plate and the driver's seat are fastened to the intermediate frame. At least one suspension element and at least one damping element connect the intermediate frame with the vehicle frame. One end of the suspension element is connected to the intermediate frame and the other end of the suspension element is connected to the vehicle frame. One end of the damping element is connected to the intermediate frame and the other end of the damping element is connected to the vehicle frame. This structure is shown particularly in Figs. 1 and 2 of the pending application.

WO '221 discloses a fork-lift truck having a driver's cabin 4 that is mounted on telescopic guide rods 6. In the embodiment shown in Fig. 3, the telescopic guide rod 6 has a hydraulic cylinder 9 to raise and lower the cabin 4. The cylinder 9 is connected to a horizontally-oriented spring-damping cylinder 13 by a guide rod 12. A gas damper 16 can be incorporated in the hydraulic transmission system 15.

GB '686 discloses a seat 10 and control assembly 14 mounted on a rigid floor plate 13. The floor plate is connected to a base plate 18 by transversely-oriented scissor-type linkage systems 20. The base plate 18 is further connected to a support plate 22 by mutually perpendicular and interconnected tubular shafts 23, 24 and four control struts 30.

Neither WO '221 nor GB '686, either alone or in combination, fairly teaches or suggests the invention as set forth in amended claim 1 of an intermediate frame located at the driver's station with the floor plate and the driver's seat fastened to the intermediate frame and with the intermediate frame connected to the vehicle frame by at least one suspension element and at least one damping element. Nor do these references teach or suggest that one end of the suspension element is connected to the intermediate frame and the other end of the suspension element is connected to the vehicle frame, and that one end of the damping element is connected to the intermediate frame and the other end of the damping element is

connected to the vehicle frame. Therefore, claim 1, as amended, is not anticipated by either WO '221 nor GB '686.

Claims 2-5, 8, 11, 12, and 16-18 depend either directly or indirectly from, and add further limitations to, claim 1. Since these claims depend from a claim believed to be in condition for allowance, these claims are also believed to be in condition for allowance.

Rejections Under 35 U.S.C. § 103

Claims 6, 7, 9, and 10 stand rejected for obviousness over the teachings of WO '221 in view of British reference GB 2 288 770. Claims 13-15 stand rejected for obviousness over the teachings of WO '221. In view of the above amendments and the following remarks, reconsideration of these rejections is respectfully requested.

WO '221 has been discussed above. GB '770 is directed to an industrial truck in which the floor plate B and the pedals P are adjustable vertically and the driver's seat S is adjusted vertically and forward to provide an ergonomically favorable body position to a driver. However, GB '770 does not overcome the shortcomings of WO '221 and GB '686 described above with respect to claim 1. Therefore, since claims 6, 7, 9, 10, and 13-15 depend either directly or indirectly from claim 1, these claims are believed allowable for substantially the same reasons as discussed above with respect to claim 1.

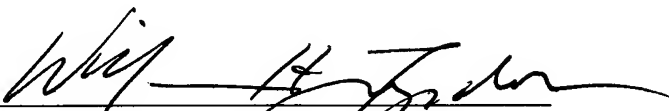
Application No. 10/603,574  
Paper Dated: July 21, 2006  
In Reply to USPTO Correspondence of April 26, 2006  
Attorney Docket No. 964-030780

Conclusion

In view of the above amendments and remarks, approval of the proposed drawing correction, amendment to the specification, and reconsideration of the rejections and objections to claims 1, 3-9, 11-16, and 18 are respectfully requested.

Respectfully submitted,

THE WEBB LAW FIRM

By 

William H. Logsdon  
Registration No. 22,132  
Attorney for Applicant  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219-1818  
Telephone: (412) 471-8815  
Facsimile: (412) 471-4094  
E-mail: webblaw@webblaw.com



Fig. 2

